

**Amendments to the Drawings:**

Applicants request approval of the amendments to the drawings. The sheet of replacement drawings attached to the end of this paper includes a change to FIG. 7. The change includes a deletion of the numeral "130" and the substitution of the numeral --30--.

The replacement sheet includes FIG. 7, and replaces the original sheet that included FIG. 7.

## **Remarks**

The claims have been amended to provide further clarification and to provide adequate coverage for Applicants' contribution to the art. Claims 1 – 20 have been canceled, and new claims have been added to provide adequate coverage for Applicants' contribution to the art. The drawings have been amended to conform the revised drawing to the remainder of the original disclosure. No new matter has been added. The amendments are clearly supported by the original disclosure, particularly at paragraphs [71], [75], [76] and [80], FIGs. 4 through 5C, original FIGs. 7 and 8, and the original claims.

Reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The present invention provides an absorbent article having a longitudinal direction, a lateral direction, first and second longitudinally opposed end portions, and an intermediate portion located between the end portions. The article comprises an absorbent body sandwiched between a backsheet and a liquid-permeable topsheet. A separately provided, wing-panel which is operatively joined to the intermediate portion of said article, and the wing-panel is configured to wrap about an undergarment. A maximum longitudinal length of said wing-panel is less than a maximum longitudinal length of said backsheet, and a contoured side-edge of said wing-panel provides a substantially continuous extension from a contoured side-edge of said backsheet. In a particular aspect, at least an operative portion of a singular wing-panel extends substantially continuously along an entire cross-directional width of a corresponding region of said backsheet; and extends laterally beyond the pair of laterally-opposed, terminal side edges of said backsheet in the intermediate portion of the article. In another aspect, at least a portion of at least one wing-panel member extends over a major facing-surface of the absorbent body. The article also includes at least one composite transition section which includes a portion of the wing-panel member, along with a layered portion of the article that includes a corresponding portion of the backsheet. Additionally, the composite transition section is arcuate and concave outward. Further aspects are set forth in the specification and claims.

Claims 1 – 16 have been alleged to be actionable under 35 U.S.C. §102 based on U.S. Patent Application Publication US 2002/0156445 to Suekane (Suekane). This action is respectfully **traversed** to the extent that it may apply to the currently presented claims.

Suekane describes an absorptive article including: a body including a liquid-permeable top sheet, a back sheet and an absorbent layer sandwiched between the top sheet and the back sheet; and wing members disposed on two side portions of the body and extending outwards in the widthwise direction from the body. The wing members are jointed to the two side portions of the body while being sandwiched between the top sheet and the back sheet.

Suekane, however, does not disclose or suggest a configuration having a separately provided, singular wing-panel where at least an operative portion of the singular wing-panel extends substantially continuously along an entire cross-directional width of a corresponding region of the backsheet; and where the wing-panel extends laterally beyond the pair of laterally-opposed, terminal side edges of said backsheet in the intermediate portion of the article, as called for by Applicants' currently presented claims. Suekane also does not teach an arrangement where the article includes at least one composite transition section which includes a portion of the singular wing-panel, along with a layered portion of the article that includes a corresponding portion of the backsheet, as called for by the claimed invention. Additionally, Suekane does not teach an arrangement where a composite transition section with the singular wing-panel is arcuate and concave outward. Suekane also does not teach an arrangement where at least a portion of the at least one wing-panel member extends over a major facing-surface of the absorbent body, as called for by the presented claims (e.g. claim 36).

It is, therefore, readily apparent that Suekane does not disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of the Examiner's actions under 35 U.S.C. §102 are respectfully requested.

Claims 17 – 20 have been alleged to be actionable under 35 U.S.C. §103 based on U.S. Patent Application Publication US 2002/0156445 to Suekane (Suekane). This action is respectfully **traversed** to the extent that it may apply to the currently presented claims.

It is well accepted that, as a minimum, a *prima facie* case of obviousness must contain the following elements:

- 1) there must be a basis in the reference for a modification;
- 2) there must be a reasonable expectation of success -- obvious to "try" is not the standard; and
- 3) the prior art must render obvious the invention as a whole.

In addition, it is not appropriate to engage in hindsight. It is inappropriate to pick and choose isolated elements from various prior art references and combine them so as to yield the invention in question when such combining would not have been an obvious thing to do at the time in question. Panduit Corporation v. Dennison Manufacturing Company, 227 USPQ 337 (Fed. Cir. 1985).

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious, unless the prior art suggested the desirability of the modification. In re Gordon, 733 F.2d at 902, 221 USPQ at 1127. In re Fritch, 23 USPQ 2nd 1780, 1783-1784 (Fed. Cir. 1992).

It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. In re Gorman, 933 Fed. 2nd 982, 987. 18 USPQ 2d 1885, 1888 (Fed. Cir. 1991). In re Fritch, 23 USPQ 2nd 1780 at 1784 (Fed. Cir. 1992). One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. In re Fine, 837 Fed. 2d at 1075, 5 USPQ 2d at 1600. In re Fritch, 23 USPQ 2nd 1780 at 1784 (Fed. Cir. 1992). Where the cited references do not teach how to make the particular combinations needed to arrive at the invention called for by Applicants' claims, the claimed invention cannot be deemed "obvious". Ex parte Levengood, 1993.

It is also well established that a prior art reference must be evaluated as an entirety and that the prior art must be evaluated as a whole. W. L. Gore and Associates, Inc. v. Garlock, Inc., 220 USPQ 303 (Fed. Cir. 1983). Where neither any reference considered in its entirety, nor the prior art as a whole, suggests the combination claimed, the invention is non-obvious. Fromson v. Advance Offset Plate, Inc., 225 USPQ 26 (Fed. Cir. 1985).

A proper consideration of Suekane, however, does not suggest a configuration having the separately provided, wing-panel member or members called for by Applicants' currently presented claims. To the contrary, Suekane teaches that the sanitary napkin is to be easily folded at its wing portions along the edge portions of the underwear. Accordingly, to bend the wing member more easily along the boundary line 1s, the peripheral joint portion where the topsheet and the backsheet are laminated is configured to have a rigidity value which is lower than that of the portion where all three of the topsheet, backsheet and wing member are laminated together (e.g. Suekane at paragraph [0065]).

Thus, when the teachings of Suekane are considered as a whole and in their entirety, a person of ordinary skill would be led away from the distinctive changes and modifications needed to derive the invention called for by Applicants' currently presented claims. Only through the impermissible of hindsight and the impermissible use of the claimed invention as an instruction manual or "template" to pick and choose from a myriad of isolated features would the claimed invention become recognized by the person of ordinary skill. It is, therefore, readily apparent that a proper consideration of Suekane does not disclose or suggest Applicants' claimed invention. Accordingly, reconsideration and withdrawal of the Examiner's actions under 35 U.S.C. §103 are respectfully requested.

For the reasons stated above, it is respectfully submitted that all of the currently presented claims are in form for allowance. Accordingly, reconsideration and withdrawal of the Examiner's actions, and allowance of the currently presented claims are earnestly solicited.


Additionally, the Examiner's attention is drawn to the Information Disclosure Statement which was filed October 20, 2005. The Examiner is requested to make of record the receipt and review of the documents listed therein.

Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc.  
deposit account number 11-0875.

The undersigned may be reached at: 920-721-2435.

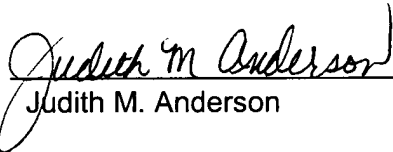
Respectfully submitted,

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CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on May 18, 2006 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:   
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